

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRIEDRICH LU, )  
Plaintiff, )  
v. ) Civ. Action No. 15-10615-PBS  
CHARLES D. BAKER, JR., et al., )  
Defendants. )

ORDER  
May 4, 2016

SARIS, C.D.J.

By Memorandum and Order dated April 13, 2016, the Court denied plaintiff's motion for default and plaintiff was granted additional time to effect proper service on defendants G & M Court Reporters and Mary Piccirilli. See Docket No. 44. Plaintiff was granted fourteen days to file a return of service. Id. The Clerk reissued summons on April 13, 2016. See Docket No. 45.

The following day, on April 14, 2016, plaintiff filed a response (Docket No. 47) to the Court's April 13, 2016 Memorandum and Order as well as a response (Docket No. 46) to the Court's earlier Memorandum and Order dated March 30, 2016.

Plaintiff has still not filed a valid return of service. See Docket. In fact, plaintiff explains, among other things, that he "will not serve the duo [defendants G & M Court Reporters and Mary Piccirilli] by Apr 27, 2016." See Docket No. 47. He continues to assert the previously rejected argument

that these two defendants "appeared" in this action because of their counsel's attempt to file an answer. Id.

Despite being granted additional time to file a return of service with the Court, plaintiff informed the court that he will not and the time for doing so has expired. Under the circumstances, the claims against defendants G & M Court Reporters and Mary Piccirilli will be dismissed without prejudice for failure to properly serve these two defendants.

ORDER

Based upon the foregoing, it is hereby Ordered that:

1. Plaintiff's remaining claims against defendants G & M Court Reporters and Mary Piccirilli are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).
2. The Clerk shall enter a separate order of dismissal and terminate this action.

SO ORDERED.

/s/ Patti B. Saris  
PATTI B. SARIS  
CHIEF UNITED STATES DISTRICT JUDGE